

1871-004 Chancery Causes: William G. Hutton & wife & vs. Stephen Matlock & wife & Lee Co.

Wyrick, Speak, Wyreck, Calliham, Long

2 Plats

CA- Estate Dispute
T-Property

To the Honorable Henry J. Morgan Judge of
the County Court of Lee County Virginia,

The Bill of Complaint of William J. Hutton
and Sarah M. Hutton his wife who sue in Their
own right and ~~William J. Hutton~~ ~~Guardian~~
~~for~~ Waman Wyreck, Ellen Wyreck & Ezekiel
Wyreck infant Children ^{& heirs} of Eliza Wyreck deceased,
who sue by the said William J. Hutton their guardian & next friend
humby Complaining respectfully represent to
Your Honor that One Ezekiel Calliham departed
this life ~~departed this life~~ about the Year 1861
leaving a tract or parcel of land not disposed
of of about 100 acres lying and being on the waters
of Trading Creek in Lee County Virginia and
the said Eliza Wyreck having departed this life
before the said Ezekiel Calliham who was her
father and the part of said 100 acres which
would have descended to the said Eliza Wyreck
if she had been living by Course of descent fell
to the said Minors Waman Wyreck, Ellen Wyreck
~~and~~ and Ezekiel Wyreck her infant Children
and to John Wyreck and ^{Mary Jane} ~~Sarah~~ Long formerly
^{Mary Jane} ~~Sarah~~ Wyreck her two oldest Children who are
over twenty one Years of age the said John Wyreck
and Mary J. Long having conveyed their interest in
the said tract of 100 acre to Stephen Matlock,
And the said Stephen having married Jane Caliham
a daughter of the said Ezekiel Caliham deceased
she was entitled to ~~the~~ ^{her} part of ^{the} One hundred acres
as an heir of Ezekiel Caliham deceased and

The Said Stephen Matlock has since the death of the Said Ezekiel Caliham purchased the share ^{that is to say the} two shares of John Calliham and Parker Caliham and Rachel Speak who is termarried with Nicholas Speaks, ^{who is now deceased} formerly Rachel Caliham still holds her share and Susan Speak another Daughter of Ezekiel Caliham who married John Speak still holds her share in the 100 acre tract and Sarah Hutton Your Oratrice formerly Sarah Calaham still owns her share she being also a daughter of the Said Ezekiel Calliham deceased So that in the 100 acre tract the Said Stephen Matlock owns two ^{eighths} ~~eighths~~ in his own right and two fifths of one eighth in his own right and the one eighth that belongs to himself and his wife making between them three eighths and two fifths of one eighth and the Said Rachel Calliham owns one eighth of Said 100 acres and Susan Speak owns one eighth of the 100 acres and Your Oratrice ~~Sarah~~ ^{Sarah} Hutton owns the one eighth part of the 100 acres and the Minor Children to wit Wayman Wyreck Ellen Wyreck and Ezekiel Wyreck own jointly the three fifths of one Eighth of the 100 acre tract,

And Your Orators will here state that the entire 100 acre tract is not worth over \$600.00 in cash And Could not be sold for more than that amt. And Your Orators further allege that the Said tract is liable to be partitioned among the parties above named as entitled to the same. But Your Orators

allege that Some Time ^{on or} about the month of September 1870 Joseph H. Bundy George McDonald Jr. and James Morgan at the request of the parties interested made a partition of the 100 acres among the parties entitled thereto which partition was not binding upon these minor Complainants but they are informed and believe that a Court of Chancery can act upon and confirm the report of Said Commissioners or appoint the same Commissioners or others to make another partition or report on the same subject Your orators will further state that the interests of the said minor Complainants would be promoted by a sale of the said interest they own in the 100 acre tract and proceeds thereof distributed among them. ~~They also state that~~ ^{they also state that} ~~the said parties~~ ^{the said parties} ~~are not~~ ^{are not} ~~interested in the~~ ^{interested in the} ~~matter of the~~ ^{matter of the} ~~partition~~ ^{partition} ~~and~~ ^{and} ~~are~~ ^{are} ~~not~~ ^{not} ~~interested~~ ^{interested} ~~in the~~ ^{in the} ~~proceeds~~ ^{proceeds} ~~thereof~~ ^{thereof} ~~distributed~~ ^{distributed} ~~among~~ ^{among} ~~them~~ ^{them}

Your Orators allege that they are without
adequate remedy at law at relievable only in a
Court of equity their prayer therefore is that
the Said Stephen Matlock and Jane Matlock
his wife and ~~Richard Speak~~ and Rachel
Speak his wife and John Speak and Susan
Speak his wife be made the partys defendant
to this bill and that they be summoned and
required to answer the same upon oath and
that the Said land be partitioned amongst
the heirs or sold as the Case may be and

Such other and general relief be extended to
Your Orators as may be consistent with
Equity and justice and best suited to
his case May the Commonwealth writ
of Spa. issue directed V^c. Miller
for Compt^{ys}

William J. Hutton
& others

vs } Bill in Chy.

Stephen Matlock
& others

- 1871 Jan'y. Bill filed & cont'd
" Feb. Spa. Exec'd on Stephen
Matlock's wife, John Speak &
wife, & Rachael Speak & Dora
Nisi as to them, & cont'd.
" March Decree ^{Nisi} as to same conf'd.
" April Cause set for hearing
by P^riside^{nts}
" " Decree & cont'd
" May continued
" June Decree & cont'd.
" July, Aug. & Sept. Cont'd.
" Oct. Decree Final.

J.B. M. \$1.80

clerk 6.88

Atty. 15.00

Shff. 4.00

\$27.68

Recording Particulars 2.66

add for 6 \$30.34

\$31.71

William J. Hutton and others Plffs.
 against
 Stephen Matlock & others Defts } Decree

This Cause came on this day again to be heard upon the papers formerly read in the Cause and the report of David Miller the Commissioner appointed by a former decree of this Court to make sale of the lot of $9\frac{1}{2}$ acres of land allotted to Waman Wyreck Ezekiel Wyreck and Eleanor Wyreck and was argued by Counsel and it appearing to the Court that the Said Sale was made by Said Commissioner to Said William J. Hutton for \$16.00 due twelve months with interest from 1871 pursuant to Said decree and his report having been filed in the County Court Clerks office more than 10 days before this Term of the Court and no exceptions being filed thereto the same is confirmed And it further appearing to the Court that the Complainant William J. Hutton is the Guardian of the Complainants Waman Wyreck Eleanor Wyreck and Ezekiel Wyreck on their motion it is ordered that the bond of \$71.25 be delivered up to the Said William J. Hutton as their Guardian who is charged with the same with interest thereon from the 18th day of August 1871 and David Miller the Commissioner who made the sale is hereby directed to make execute and acknowledge a Deed, ^{with special warranty} to the lot of $9\frac{1}{2}$ acres of land sold to the purchaser William J. Hutton, ^{retaining a lien thereon for the said \$71.25 & interest thereon} and nothing further appearing necessary to be done in the premises the Cause is stricken from the docket with leave granted to any party or person interested to reinstate the same hereafter to enforce any of the decrees therein.

Wm. J. Hutton & others

vs. } Score final

Stephen Matlock & others

Entered O.T.B. pages

382 + 383.

J.B. West, D. Clerk

Enter this Deed

H. J. Morgan

Oct 20th 1871

Wm. J. Hutton & others Plaintiffs }
against } Decree in Chy
Stephen Matlock & others Defendants }

This Cause came on again to be further heard upon the papers formerly read in the Cause and the report of Commissioners Joseph H. Bundy James S. Morgan and George W. McDonald partitioning the land in the bill mentioned and was argued by Counsel and it appearing to the Court that the said report has been filed in the Clerks office more than 30 days before this term of the Court and no exceptions having been filed thereto: On Consideration of all which it is adjudged ordered and decreed that the said Commissioners report be Confirmed as to the partition of the land in the bill mentioned and the valuation of the lot assigned to the minor heirs to wit Wayman Elleanor and Ezekiel Wyreck and as to the Sale of the same And it further appearing to the Court that the interests of all the parties interested would be promoted by an assignement and partition of the shares of all the land except the shares of Wayman Elleanor & Ezekiel Wyreck it is therefore adjudged ordered and decreed they all and each of them hold the shares and lots as assigned layed off and allotted to them in the said report of partition, ^{free from the claims of each other} and it further appearing to the Court that partition of the lot and share assigned to the minors to wit Wayman Elleanor & Ezekiel Wyreck cannot be conveniently made amongst themselves and that their interests would be promoted by a Sale of their said lot & share

It is hereby further adjudged ordered and decreed
that David Miller be and is hereby appointed
a Special Commissioner whose duty it shall be
to sell the lot and share of the Said Wayman
Eleanor and Ezekiel Wyck in said land to the highest
bidder on a credit of One year except
for an amount sufficient to pay their proportion
of the costs of this suit and expenses of sale which
he may require in cash after advertising the time
and place of sale for at least four weeks at
the front door of Lee Courthouse and at two
other public places in this County requiring bond
and good security from the purchaser with inter-
est from date payable to himself as Commissioner
~~and he shall execute bond as the law requires &~~
report his proceedings to this Court at a future term.
~~and this Cause is continued~~ And all the ^{adult} parties
^{are adjudged to} ~~shall~~ pay the legal and taxable costs of this suit
in proportion to their interest in the land in the
bill mentioned and ^{the guardian of the said minor is required} ~~the Cause is continued~~.
to pay their proportional part and he will be entitled
to a credit for the same in the settlement of his
Guardianship account, and the Cause is continued.

William J. Hutton & Son
Attys. at Law No 2.
Stephen Haddock & Son

Entered 073 page 276.
Jan. 13. 1877.

Entered this decree
Wm. Morgan
June 23. 1877

William J. Hutton & others Complainants }
against } Decree in
Stephen Matlock & others Defendants } Chancery

This Cause came on to be heard upon the bill and exhibit filed in this Cause and was argued by Counsel, and it appearing to the Court that process had been duly served and returned executed on defendants ~~at February Rules 1871~~ more than two months before this term of the Court and this Cause was regularly matured at rules and set for hearing and the defendants still failing to appear and answer the Complainants bill it is therefore taken for Confessed as to all the defendants On Consideration of which it is adjudged ordered and decreed That George W. McDonald, Joseph H. Bundy and James S. Morgan be and are hereby appointed Commissioners whose duty it shall be to make partition of the land in the bill mentioned but before they assign to any one any part of said land ~~they~~ he shall show himself to be entitled to the same and the said Commissioners are further instructed and directed to assess the value of the part of said tract ~~and the~~ belonging to the minors and whether or not partition of their share amongst themselves can be conveniently made and whether or not the interest of the minors would be promoted by a sale of their part and they are required to report to the ~~future~~ ^{next} term of this Court to which this Cause is continued

Wm J. Hutton & Co

or Deane No 8

Stephen Hattcock & Co

Entered D.B. p 235-6.

J. B. West D. Clk

Entered this Dec 22

H. Morgan

April 1871

Virginia.

At a County Court continued & held for Lee County, at the Court House thereof, on Tuesday, the 18th day of April 1871.

William J. Hutton et als. Plaintiffs -

vs.

In Chancery.

Stephen Matlock et als. Defendants

xxxxxx On consideration of which, It is adjudged, ordered, and decreed that George W. McDonald, Joseph H. Bundy, and James D. Morgan be and are hereby appointed Commissioners, whose duty it shall be to make partition of the land in the Bill mentioned, but before they assign to any one any part of said land, he shall shew himself entitled to the same and the said Commissioners are further instructed and directed to assess the value of the part of said tract belonging to the minors, and whether or not partition of their share amongst themselves can be conveniently made, and whether or not the interest of the minors would be promoted by a sale of their part, and they are required to report at the next term of this Court, to which time the cause is continued.

A copy -

Teste - John B. West, D. Clerk.

Wm J. Huston et al

vs. { Copy of Decree of
Court.

Stephen Matlock et al

May 4th 1871.

Executed by deliver-
ing to the within named
Persons an attested office
copy of the within notice

Thos J. Brown D S
for C. L. Hambleton S. L. C.

from the purchaser, with interest from date, payable to himself as Commissioner, and report his proceedings to this Court at a future term and all the adult parties are adjudged to pay the legal & taxable costs of this suit, in proportion to their interests in the land in the Bill mentioned, and the Guardian of the said minors is required to pay their proportional part, and he will be entitled to a credit for the same in the settlement of his Guardianship account, and the cause is continued. A copy. Leske. John B. West, D. Clk.

1275

Mrs. J. Hutton & others

vs. in
copy of part of Decree

Stephen West & others

For David Miller Esqr
Special Comr.

Mrs. Hutton purchased land
for \$7500 Aug 1876

1871
D. Miller
Comm.

Wm

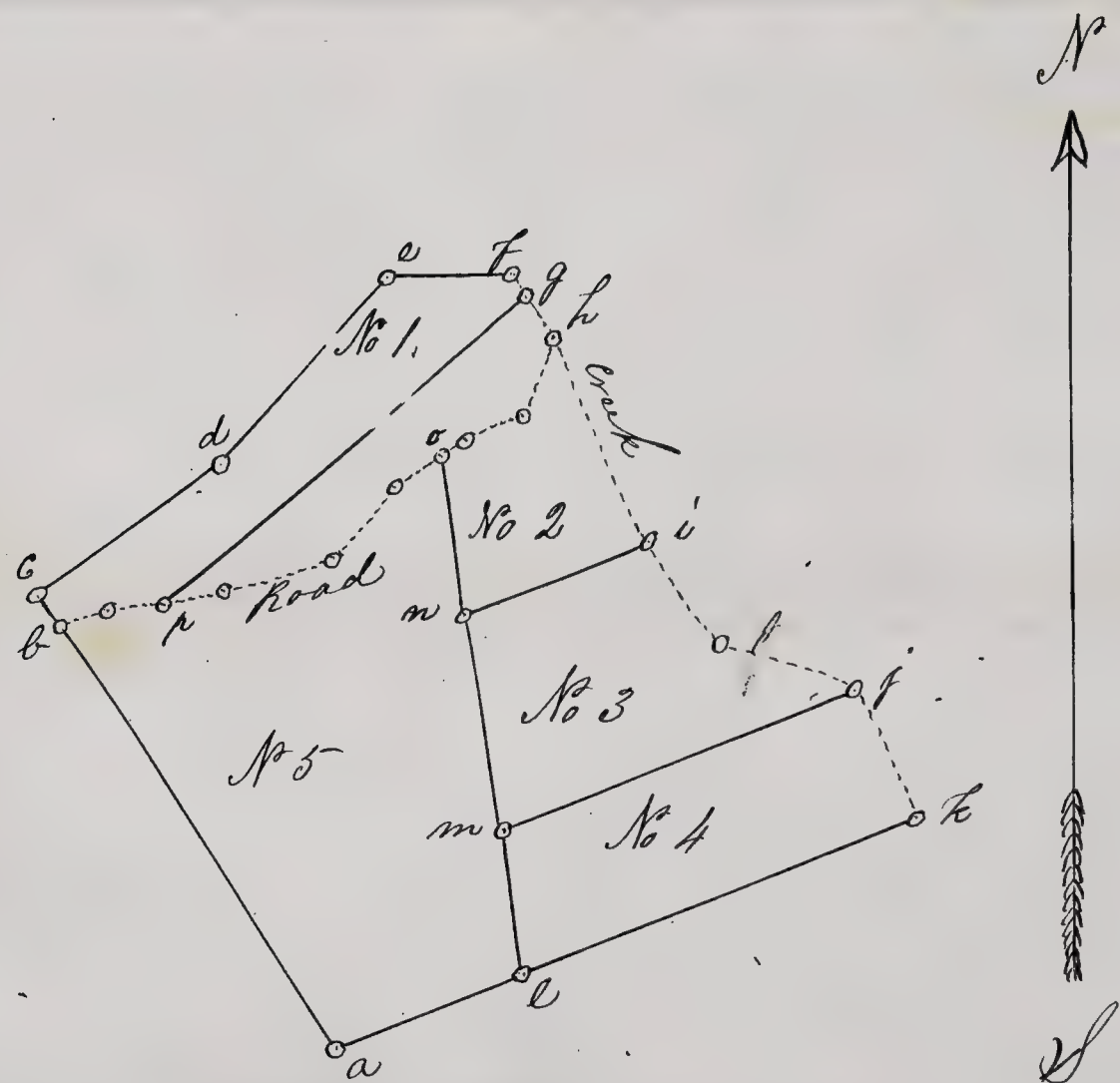
At a county court continued and held for the county
at the Court House thereof on Friday the 20 day of Oct 1871.
J. Hutton & others. Plaintiffs

J. Hutton & others. Defendants

This cause came on for hearing to be heard upon the papers
presented in the cause and the order of David Miller the Commissioner
appointed by a former decree of this court to make sale of the lot of
9/16 acres of land situated to Wamun Wyick, Ephial Wyick and Elnor
Wyick and was argued by counsel and it appearing to the court
that the said sale was made by said Commissioner to said William
J. Hutton for \$15.00 due twelve months with interest from date, for
which Robert Turner and his wife having been filed in the county court
to take Office, more than ten days before his term of the county court
expired, and having filed therewith the said order and with the papers
thereon, and the Commissioner of the said county court to the said
William J. Hutton is ordered that the sum of \$11.25 being
the amount due after deducting the Commissioner's 5 per cent Com-
mission be delivered up to the said W. J. Hutton as their dividend
and to be charged with the same with interest thereon from
the 1st of Nov 1871. and make execution and acknowledge a deed
with a power of sale to the lot of 9/16 acres of land sold to the
said W. J. Hutton returning a true thereon for the
purchase money of the said sum of \$11.25 and interest thereon.
And nothing further appearing necessary to be done in the
premises the court is satisfied from the docket and from
examined any person interested to mistake the same
thereof to enforce any of the decrees therein.

J. Hutton

Wm J. Hutton



Wm. J. Hutton & others }
 against } In Chancery. Report
 Stephen Matlock & others }

To the Honorable Henry J. Morgan Judge of the
 County Court of Lee County.

Pursuant to a decree of the County Court
 of Lee County made and entered at the April term
 thereof in the Year 1871 in the Cause in Chancery
 of William J. Hutton & others against Stephen Mat-
 lock and others we the undersigned Commissioners
 appointed by said decree to make partition of
 the lands in the bill mentioned owned by said
 parties and to assess the value of that part of
 said tract belonging to the minors and whether
 or not partition of their share amongst themselves
 can be conveniently made, and whether or not
 the interest of the minors would be promoted
 by a sale of their part and having performed
 the duties assigned to us as Commissioners by said
 decree We beg leave to report as follows: we
 went upon the tract of land to be partitioned
 with Eli Davis a Competent Surveyor of this County
 and Surveyed laid off and allotted the said tract
 of land as follows which tract contains one hun-
 dred acres be the same more or less and lies
 on Fladys Creek in Lee County Virginia a plat
 of which is herewith filed and is made a part
 of this report:

1st We laid off and assigned and allotted to
 Rachel Speak widow of Nicholas Speak, ^{deed} a lot or
 parcel of said land estimated to contain 14 acres

which will be seen upon the plat accompanying this report marked No. 1 and represented by Figure C-d-e-f-g-h-b. and bounded as follows:

Beginning at a Stake in a waggon road ~~and running~~ and running thence N 32 1/4 E 8 1/2 poles to two whiteoaks now down, thence N 54 E 49 poles to a post oak thence N 43 E 54 poles to a Stake on Lyon's line and with it N 89 E 26 poles to a service bush Lyon's Corner thence with William J. Huttons line S. Eastwardly 7 poles to a Stake Corner to Stephen Matlocks land and with lines thereof S 50 W 106 poles to a Stake in the road and with the road westwardly 21 1/4 poles to the beginning.

2nd. We have laid off allotted and assigned to Maryman Myrick Jr. Eleanor Myrick and Ezekiel Myrick jointly a lot or parcel of Said Tract of land estimated to contain 9 1/2 acres marked No 2. in Said plat and represented by Figure C-h-i-n-o. and bounded as follows viz:

Beginning at a Stake in the road a Corner to the 5th lot, and running thence with a line thereof N. Eastwardly along the road to a Stake on William J. Huttons line and with it to the Creek and with the bank of the Creek S. Eastwardly to a Stake Corner to the 3rd lot and with a line thereof S 69 W 42 poles to a Stake on a line of the 5th lot and with the same N 10 W 31 1/2 poles to the beginning.

3rd. We have laid off allotted and assigned to Sarah M. Hutton wife of William J. Hutton a lot or parcel of Said land estimated to contain 15 2/3 acres marked no 3 in Said plat and

represented by Figure M. N. I. J. W and bounded as follows viz:

Beginning at a Gum and dogwood Corner to the 4th lot and on a line of the 5th lot and with a line of the latter N 10 W 46 poles to a Stake Corner to the 3rd lot and with a line thereof N 69 E 42 poles to a Stake on the bank of the Creek and along the bank of the Creek as it meanders S. eastwardly to a Stake Corner to the 4th lot and with a line thereof S 69 W 80 poles to the beginning.

4th. We have laid off allotted and assigned to Susan E. Speak wife of John Speak a lot or parcel of Said land marked in said plat as No 4th and represented by figure l-m-j-k-l. and bounded as follows: viz:

Beginning at a Stake Corner to the 5th lot and running thence with a line thereof N 10 W 30 poles to a Gum and dogwood Corner to the 3rd lot and with a line thereof N 69 E 80 poles to a Stake on the bank of the Creek and with the ^{line of William J. Huttons land} ~~bank~~ S. eastwardly to a Stake thence S 69 W 89 poles to the beginning estimated to contain 15 acres.

5th. We have laid off allotted and assigned to Stephen Matlock and ^{same} Amanda Matlock ^{according to their respective rights and interests} his wife, a lot or parcel of Said land estimated to contain 46 2/3 acres marked No 5 in Said plat and represented by figure b-a-l-m-n-o-h-g-p-b. and bounded as follows viz:

Beginning at a Stake in a waggon road a corner to the 1st lot and running thence S 32 E 106 1/2 poles

to a Blackoak and Chestnut bush thence N⁶⁹E
43 poles to a stake corner to the 4th lot and
with the western boundary of the 4th, 3rd and
2nd lots N¹⁰W 108 poles to a stake in said road
corner to the 2nd lot and with a line thereof
and with the road N⁶ Eastwardly to William J.
Hutton's line and with said Hutton's line N. West-
wardly 11 poles to a stake corner to the 1st lot
and with lines thereof S⁵⁰W 106 poles to
a stake in said road thence with the road
westwardly 2 1/4 poles to the beginning.

And in pursuance of said decree after making
the above assignment allotment and partition
we proceeded to assess the value of the lot of
9 1/2 acres marked no. 2 in said plat and which
we hereby assigned and allotted to Mayman
Myrick Jr. Eleanor Myrick and Ezekiel Myrick
jointly they being minors and we assess the
value of said lot at Seventy five dollars.

And in pursuance of the said decree further
we considered the matter whether or not parti-
-tion of the share allotted jointly to the minors
Mayman Myrick Jr. Eleanor Myrick and Ezekiel
Myrick, ^{could be conveniently made} and we ascertained that partition of the
same cannot be conveniently made amongst
them on account of the smallness of the lots into
which it would have to be ^{sub}divided which
would only be about three acres to each share
and lot and we are further of the opinion
that the interest of the minors would be pro-
moted by a sale of their lot of 9 1/2 acres and
the money invested to their benefit in some-
- other way

and we hereby recommend that an order of
Sale be made of their part of said land,
^{by the County Court of Lee County,}
We have thus discharged the duties assigned to
us under the said decree to the best of our
skill and judgment and hereby submit
this our report all of which is respectfully
submitted and it is proper for us further
to state that in making the said partition
and allotments we took into consideration
the quantity and quality of the land and
made the partition and allotments to the parties
interested according to their several rights and
interests in the said tract of land their quantity
of interests being different
Given under our hands this the 30th day
of May 1871.

Joseph H. Bundy
Jas D Morgan } Comrs.
George W. McDonald }

William J. Hutton & others

N.Y. Comrs. Report.

Stephen Matlock & others

Filed May 30th 1871.

James W. Orr. Clk.

Recorded in Clerk's Book No. 14
page 546-547-548
W. H. Orr. Clk.

William J. Hutton & others Complainants
against
Stephen Mattock & others Defendants } Report

To the Honorable Henry J. Morgan Judge
of the County Court of Lee County:

Pursuant to a decree of the County Court
of Lee County made and entered at the June
term thereof in the year 1871 in the Cause in
Chancery of William J. Hutton & others against
Stephen Mattock & others the undersigned who
was appointed a Special Commissioner for the
purpose proceeded on the 18th day of August
1871 at the front door of Lee Courthouse after
advertising as required by the said decree to sell
the Share allotted to complainants Eleanor Wyreck
Ezekiel Wyreck and Wayman Wyreck consisting of a
lot of 9 $\frac{1}{2}$ acres allotted to them by the Commissioners
who made the partition of the land in the bill
mentioned in this Cause and after offering the same
to the highest bidder upon the terms of the decree and
William J. Hutton bid Seventy five dollars which
being the highest bid the said Share of 9 $\frac{1}{2}$ acres
allotted to the said Eleanor Ezekiel and Wayman
Wyreck was knocked off to him and by an agreement
with him I took his obligation for 5 per centum Com-
mission on the \$75.00 payable to me which is \$3.75-
and I took his bond for the sum of Seventy one dollars
& 25 cts payable to myself as Commissioner with interest
from date with _____ as Security to be paid
Twelve months after date.

I will state further that to save any additional trouble
and expense with regard to this sale and the Collection

of the Said Bond that the Said William J. Hutton
the purchaser is also the Guardian of the Said Eleanor
~~Myreck~~ ^{Myreck} ~~Callahan~~, Ezekiel ~~Callahan~~ ^{Myreck} and Waman Myreck who
are infants and the Said Bond could be returned
over to him as effects belonging to the Said Minors
he having heretofore given a sufficient Bond as
their Guardian and in case this was done a deed
might be made to him and the Cause stricken from
the docket. All of which is respectfully submitted &c.

David Miller
Cmr.

Wm. J. Hutton & others
Comrs' Report
of Sale
Stephen Mottock & others
10th April 1871.
J. H. C. C. C.

Carleton's Heir

Partition of Land

Filed in District Office May
10th 1871.

James H. Coit.

To the honorable County Court
of Lee County.

We whose names are herewith subscribed after having been selected and called upon by the interested heirs of Ezekiel Calahan Dec'd, to lay off and partition one hundred acres of land in the County and State aforesaid belonging to said heirs, and after being sworn to make partition among the several heirs according to their different interests as near equal and right as we were able to do, and after having them also duly sworn to stand to the division of the said land as we shall make it.

We proceeded on the 12th. day of September 1870, to lay off and assign to Rachel Speak widow of Nicholas Speak a lot estimated to contain 14 acres which will be seen upon the plat annexed marked No. 1 and represented by Figure, b. c. d. e. f. g. h. i. and bounded as follows, viz:

Beginning at a Stake in a wagon road and running thence N. 32 W. $8\frac{1}{2}$ poles to two white oaks ^{post} now down; thence N. 54 E. 49 poles to a ~~white~~ Oak; thence N. 43 E. 54 poles to a Stake on Lyon's line and with it N. 89 E. 26 poles to a Service bush, Lyon's corner, thence with Wm. Button's line S. Eastwardly 7 poles to a Stake corner to S. Matlock's land and with line thereof S. 50 W. 106 poles to a Stake in the road and with the road, westwardly $2\frac{1}{4}$ poles to the Beginning.

2nd. we have laid off and assigned to
Wayman Wyrick, Elenor Wyrick and Ezekiel
Wyrick, The heirs of Elijah Wyrick a lot
estimated to contain 9 $\frac{1}{2}$ acres marked No. 2
and represented by Figure, o. h. i. n. o and
bounded as follows viz:

Beginning at a Stake in the road corner
to the 5th. lot and running thence with a
line thereof N. Eastwardly along the road
to a Stake on ^{+ William Hutton's line} the bank of Shading Creek
and with the bank of the Creek S. Eastwardly
to a Stake, corner to the 3rd. lot and with a
line thereof S. 69 N. 42 poles to a Stake on a
line of the 5th. lot and with the same
N. 10 N. 31 $\frac{1}{2}$ poles to the beginning.

3rd. We have laid off and assigned to
William Hutton and Miriam his wife a
lot estimated to contain 15 $\frac{2}{5}$ acres marked
No. 3, and represented by Figure m. n. i. j. m,
and bounded as follows viz:

Beginning at a gum and dogwood corner
to the 4th. lot and on a line of the 5th.
lot and with a line of the latter
N. 10 N. 46 poles to a Stake corner to the 3rd.
lot and with a line thereof N. 69 E. 42
poles to a Stake on the bank of the Creek
and along the bank of the Creek as it meanders
S. Eastwardly to a Stake corner to the
4th. lot and with a line thereof
S. 69 N. 80 poles to the beginning.

4th. We have laid off and assigned to
John Speak and Susan E. his wife a
lot marked No. 4, and represented by
Figure l. m. j. k. l, and bounded as follows.
Beginning at a Stake corner to the 5th. lot and
running thence with a line thereof N. 10 N. 30 poles
to a gum and dogwood corner to the 3rd. lot
and with a line thereof N. 69 E. 80 poles to
a Stake on the bank of the Creek & with
the bank as it meanders S. Eastwardly
to a Stake, thence S. 69 N. 89 poles to the
beginning. Estimated to contain 15 acres.

5th. We have laid off and assigned to Stephen
Mollock and Amanda his wife a lot estimated
to contain 46 $\frac{3}{5}$ acres marked No. 5, and
represented by Figure b. a. l. m. n. o. ^{h. g.} p. b. and
bounded as follows, viz:

Beginning at a Stake in a wagon road
corner to the 1st. lot and running thence
S. 32 E. 106 $\frac{1}{2}$ poles to a black oak & chestnut bush
thence N. 69 E. 43 poles to a Stake, corner to
the 4th. lot and with the western boundary
of the 4th. 3rd. and 2nd. lots, N. 10 N. 108
poles to a Stake in said road corner to the
2nd. lot and with a line thereof and with
the road N. Eastwardly to ^{William Hutton's line} the Creek, thence
with ^{said Hutton's line} the bank of the Creek as it meanders
N. westwardly 11 poles, to a Stake, corner to the
1st. lot and with line thereof S. 50 N. 106 poles
to a Stake in said road, thence with the
road westwardly 21 $\frac{1}{4}$ poles to the beginning.

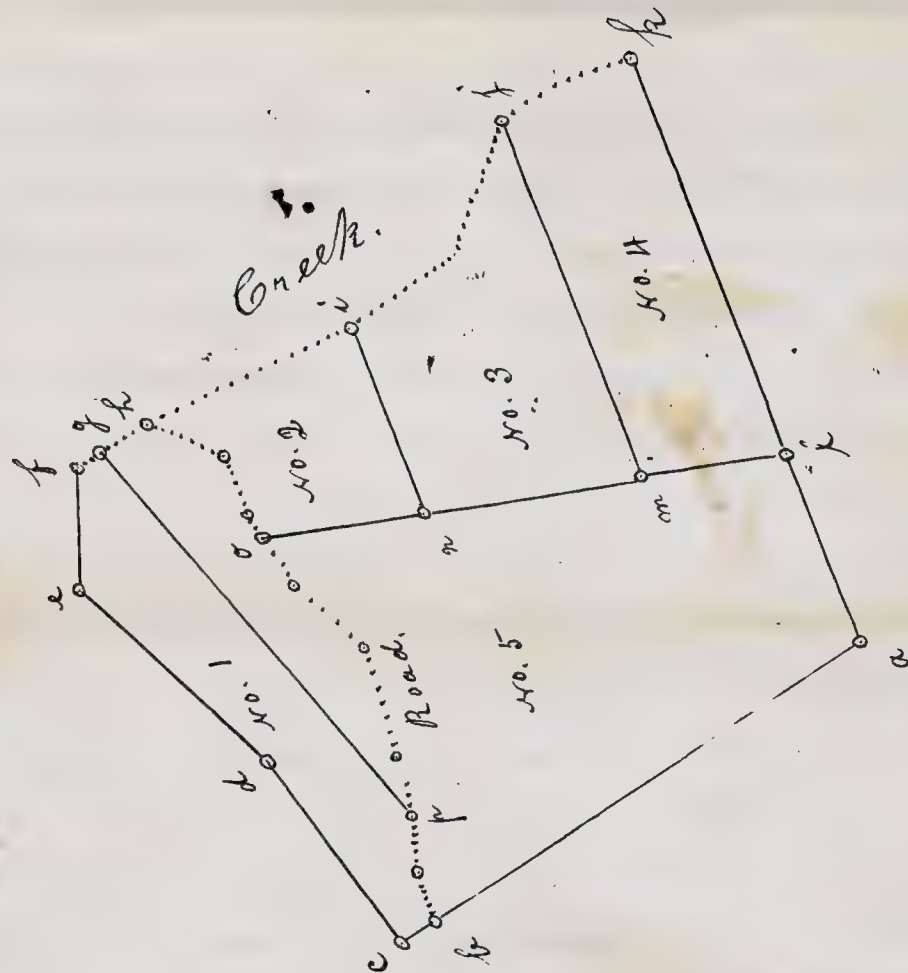
Thus we have endeavored to discharge the
 duty imposed upon us by the said heirs,
 according to the best of our skill
 and ability, and they wish our acts to
 be made legal and binding.

See the Plot annexed.

Respectfully Submitted Sept. 17th. 1870.

{ J. W. McDonald
 Joseph H. Bundy
 James O. Morgan

Acting as Commissioners.



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Stephen Matlock, and Jane Matlock,
his wife, Nicholas Speak, and Rachael Speak his wife, and
John Speak & Susan Speak his wife.*

to appear before the Judge of our County Court, for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *February* next.

to answer a bill in Chancery, exhibited in our said Court, against *them* by *William J. Stutton* and *Sarah M. Stutton his wife, who are in their own right and Wayman Hyrick Jr., Ellen Hyrick, and Ezekiel Hyrick, infants heirs of Eliza Hyrick deceased who are by the said William J. Stutton their guardian and next friend.*

And have then there this writ. Witness, ^{*James*} JOHN W. ORR, Clerk of our said Court, at the Court-House, this *20th* day of *January* 1871, in the *95th* year of the Commonwealth.

James W. Orr. Clerk.

William J. Hutton & als

85

for in Chancery

Stephen Mattock & als

February Rules 1871.

February 1st 1871.

Executed on Stephen
Mattock & wife John speak
& wife and Rachael speak
by delivering to them an
attested office copy of
the within writ.

Thos J. Brown D.S.
for C. L. Hemblen S.E.C.



The Commonwealth of Virginia,



TO THE SHERIFF OF LEE COUNTY--GREETING;

WE COMMAND YOU TO SUMMON *Stephen Matlock and Jane Matlock his wife and Nicholas Speak and Rachel Speak his wife and John Speak & Susan Speak his wife*

to appear before the Judge of our County Court for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for the said Court, on the *1st* Monday in *December* next, to answer a bill in Chancery, exhibited in our said Court, against *them* by

William J. Hutton and Sarah M. Hutton his wife, who sue ^{in their own right} and Waman Wyreck Jr. Ellen Wyreck and Ezekiel Wyreck infant heirs of Eliza Wyreck deceased who sue by the said William J. Hutton their Guardian and next friend.

And have then there this writ. Witness, JOHN B. WEST, Clerk of our said Court, at the Court-House this *30th* day of *December* 1870, in the *95* year of the Commonwealth.

John B. West Clerk.

Susan. Speak

Rachel R. Speake

W. } Summons in *exce.*

Stephen Matlock

December Rules 1890.